

BY-LAW NUMBER 2020/02

BY-LAW NO. 2020/02 is a by-law of the County of Wetaskiwin No. 10 in the Province of Alberta, to authorize the adoption of an Area Structure Plan for the purpose of providing a framework for subsequent subdivision and development of NW-33-45-6-W5M in accordance with Section 633 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 2000, and amendments thereto.

WHEREAS: at the requirements of County Council, an Area Structure Plan has been prepared for NW-33-45-6-W5M,

AND WHEREAS: the proposed Area Structure Plan has been widely circulated and discussed within the County pursuant to Section 230, 606(1), and 633(1) of the Municipal Government Act, 2000, Chapter M-26.1, and amendments thereto.

NOW THEREFORE: the County of Wetaskiwin No. 10, duly assembled, hereby enacts as follows:

The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted for NW-33-45-6-W5M.

1. This by-law comes into effect on the date of third reading.

READ: A First time this 9th day of January A.D, 2020

READ: A Second time this 9th day of January A.D, 2020

READ: A Third time and finally passed this 9th day of January A.D, 2020


REEVE


ASSISTANT CHIEF ADMINISTRATIVE
OFFICER

County of Wetaskiwin No. 10 Area Structure Plan Expansion of Buck lake / Alder Flats Firehall Within Part of NW 33-45-6-5

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Appendix 1: Compliance with Section 633 & 638 of the MGA

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West Central Planning Agency

1. Introduction

The County of Wetaskiwin No.10 operates a Fire Hall on the south side of Highway 13. It is on a subdivided lot in NW 33-45-6-5. The location is shown on Map 1. From this central location it serves the Alder Flats, Buck Lake and the surrounding fire district. The existing fire hall is fully equipped with fire and rescue equipment includes a pumper truck, quick and response bush truck, rescue truck and a tanker truck.

The current fire hall is located at 63059 Hwy. #13 and was purchased in October of 1987. The fire hall underwent an addition and renovation in June of 2002. Since 1987, the staffing in the fire department has increased and trucks purchased today are taller, longer and heavier to meet the demands of the current type of calls and the volumes.

Highway 13 is paved and it is adjacent on the north side of the existing fire hall property and the new proposed site. The proposed site is currently owned by "Brzus, R, Et Al." and the new site is approximately 5 acres directly on the east side of the existing fire hall property.



At the February 11, 2019 meeting, Councilors passed a motion for the county to begin investigating purchase of the nearby five-acre site for a new Buck Lake fire station, and report back at a future meeting.

This Area Structure Plan (ASP) meets the below Section 633 of the Municipal Government Act and Requirements for Area Structure Plan Policy #61.1.6.

633(1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may by bylaw adopt an area structure plan.

(2) An area structure plan (a) must describe

- (i) the sequence of development proposed for the area,
- (ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,
- (iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and
- (iv) the general location of major transportation routes and public utilities,

and

(b) may contain any other matters, including matters relating to reserves, as the council considers necessary.

(3) An area structure plan must be consistent with

- (a) any intermunicipal development plan in respect of land that is identified in both the area structure plan and the intermunicipal development plan, and
- (b) any municipal development plan.

2. Municipal land use policies

An ASP must take into account several municipal policy documents.

3. Municipal development plan:

The Municipal Development Plan (MDP) requires that all proposals within one mile of another municipality or a reserve be referred to their councils for comment. In this case, as shown on Map 1, the nearest municipalities and reserves are at least five miles away, so it was not necessary to consult their councils.

The County tries to preserve good soils for agriculture (MDP objective 1.2). Good soils are defined as those with a farmland assessment rating of 30% or more. Municipal assessment sheets show that the soil in the proposed site is rated at an average of 30.9%. (74 acres at 38.9%, 47 acres at 33.1% and 30.85 acres at 8.5%) This is consistent with the Canada Land Inventory rating of 90% Class 4 and 10% Class 5. Therefore, the proposed site is borderline good soils and it is being used mainly for pasture.

Several Commercial and Industrial sites have been approved on better soils; this is normally done where in council's opinion the locational value outweighs the agricultural value. Recent examples are the Falun card lock site (CLI Class 2, with a 73% FAR), the Viewland and Kicking Horse industrial sites (CLI Class 2, up to 83% FAR), and the G3 elevator site (CLI Class 1 and 2 soils). The prime location of the fire hall, in the middle of its service area and with excellent road access, justifies a relaxation of the 30% rule.

4. Land use bylaw:

The County's land use bylaw sets the detailed rules for development. At present, the site selected for the new fire hall is zoned Agricultural. It will be necessary to rezone it to accommodate the proposed development. This is discussed in Section 19.

5. Non-statutory County policies:

County Policy 61.1.6 sets out what must be covered in an area structure plan. The requirements under this policy have been met in this ASP.

6. Provincial government policies

Although land use is primarily a municipal responsibility, when it adopts an ASP the County must also consider senior government rules, and in particular the Municipal Government Act and the Subdivision and Development Regulation, AR 43/2002

MGA Section 633: The MGA sets out the required contents of an area structure plan and the process to be followed to prepare and adopt it. The present document complies.

Sour oil and gas installations: A proposal to build or use overnight accommodation or any public facility within 1,500 metres of any sour gas well or pipeline must be referred to the Alberta Energy Regulator (AER) for comments.

There are no sour oil or gas installations on or within 1,500 metres of the proposed development.

Active sweet wells: Map 2 shows the locations of all oil or gas wells within 1500 metres of the proposed development. Development is restricted within 100 metres of a sweet oil or gas well, or within the right-of-way of a sweet oil or gas pipeline. (This does not apply to local gas distribution lines.)

The point is moot because there are no active wells on or within 100 metres of the proposed development.

Abandoned wells: There are three abandoned wells within 1,500 metres of the proposed development. None is closer than 1,000 metres.

Sewer lagoons: Overnight accommodation and food handling establishments, including workplace lunch rooms, must be at least 300 metres away from sewer lagoons.

The closest sewer lagoon is 10 km away in Alder Flats. Sewer lagoons are therefore no obstacle to the proposed development.

Waste disposal sites: Food establishments, including workplace lunch rooms, must be at least 300 metres away from an active or closed waste disposal site, and no water wells for human consumption may be drilled within 450 metres of such a site.

The closest waste handling site is a closed County landfill 2,500 metres away in NE 9-46-6-5, just west of the Buck Lake townsite.

The closest active waste handling site is a transfer station on the west side of Highway 22, 4,250 metres to the west in SE 36-45-7-5.

Waste handling sites are therefore no obstacle to the proposed development.

Proximity to highways: A municipality must not approve subdivision or development within 1,600 metres of a provincial highway without the prior approval of Alberta Transportation (AT). Discussions with AT are noted in Section 11 below.

Airports: The closest licensed airports are in Drayton Valley and Rimbey. No private strips can be seen on air photographs of the immediate area.

Transport Canada designates the area as Class E airspace, with no commercial traffic below 2,200 feet above ground.

The proposed development will thus have no effect on flight operations.

Historical resources: The Alberta government's Historical Resources Management Branch (HRMB) has the right to require a historical or archaeological assessment of land which is to be developed.

The department's historic resources data base shows nothing of historical or archaeological interest within a kilometre of the proposed development site.

Regional plans: A municipality is bound by a regional plan adopted under the Alberta Land Stewardship Act, but no such plan has been adopted for this part of the province.

In summary, Alberta Transportation is the only provincial department whose approval is needed before this ASP can be adopted.

7. Neighbouring land uses

Map 2: From directly west to directly east of the subject property:

Directly west of the subject property, on the NE 32-45-6-5, it is a full quarter section of 156.46 acres and it is zoned Agricultural (AG).

On the SE 5-46-6-5, there are two institutional lots (one is at 3.9 acres and the other one is at 3.78 acres) subdivided from the quarter section. The remainder is still zoned as Agricultural.

Directly north of the subject property, on the SW 4-46-6-5, it is a full quarter section of 157.46 acres and it is zoned Agricultural.

On the SE 4-46-6-5, it is a full quarter section of 156.44 acres and it is zoned Agricultural (AG).

Directly east of the subject property, on the NE 33-46-6-5, a Rural Residential lot was subdivided at approximately 4.81 acres. The remainder is still zoned as Agricultural.

8. Intensive livestock operations

County policy 61.1.6 requires an ASP to identify any intensive livestock operation within two kilometres of the proposed development.

Larger operations are regulated by the Natural Resources Conservation Board. The Board's on-line data base shows no such operations within that distance.

Smaller livestock operations are regulated by the County. A survey at the end of June 2019 did not reveal any such operations within two kilometres.

9. Slope and drainage

Map 5A & 5B show the topographic of the area. Both the existing Fire Hall and proposed lot slope gradually to the north and east. A high-water table does exist within a depressed area on a portion of the west side of the propose lot, however, the remaining majority of the land is dry for future building purposes.

The rest of the water flow on the quarter section is in the direction of the south west and south east as per the topographic maps.

10. Proposed development

Map 3A & 3B shows the final layout of the property. The final plan is to consolidate the existing 1.02 acres with the +/- 5 acres to the east (depth 115m by width 175m). This will create the final fire hall lot of approximately 6 acres in size.

11. Access to the site

Map 4A & 4B shows the existing accesses on Highway 13. The proposed lot expansion has a direct highway access and that access will remain as is for the fire hall trucks.

There will be no additional access onto Highway 13 from the proposed addition. There is a 20-metre service road currently registered by caveat on the existing parcel.

On November 28, 2019, Alberta Transportation (AT) commented on the draft ASP even those the proposal is contrary to Section 14 and subject to the requirements of Section 15(2) of the Subdivision and Development Regulation; the department (AT) would be prepared to grant a waiver of said Section 14 and as per the requirements of Section 15(2).

AT will require a condition in lieu of the waiver and this will be imposed at the subdivision application stage. The applicant is to provide a 20-metre-wide service road right-of-way perpendicular to and across the highway frontage of the parcel to be created. The service road would be acceptable to the department by caveat agreement subject to the approval authority and the Land Titles Office.

12. Impact on nearby land

Approximately, 5 acres will be taken out of pasture production to accommodate the new fire hall on the east side of the existing fire hall. As there is an existing Fire Hall, it will not have a major impact on nearby land.

13. Reserves

When land is subdivided, the municipality has the right to take 10% of the subdivided area for public parks and schools, or money to the same value.

Under current rules the first subdivision out of a quarter (in this case the gas station, RW/62/18) is not subject to reserves (MGA section 663). The present fire hall lot is the second subdivision out of the quarter, and was therefore liable to dedicate reserves. However, the subdivision decision letter says that "no decision on reserves has been made at this time [as this is a] quasi-public use".

This means that reserves are still due on the new or expanded fire hall lot (approximately 0.5 acres are owing and the final amount will be determined when a surveyor prepared a plan of subdivision).

At the time of subdivision, the 10% municipal reserves owing will be deferred proportionally into the new or expanded fire hall lot and the remainder of the quarter section.

14. Water supply

Studies published by the Alberta Research Council show that the expected yield of water wells in this area is between 25 and 100 gallons (113 to 454 litres) per minute.

Where a subdivision will create six or more *residential* lots on a quarter section, the Water Act requires that the developer provide a report by a professional engineer, geologist, or geophysicist, certifying that a diversion of 1,250 cubic metres of water per year for household purposes for each of the lots within the subdivision will not interfere with any existing household uses, licensees, or traditional agricultural users.

The Water Act has no such requirement for non-residential subdivisions. Instead, each user must obtain a water licence from Alberta Environment prior to drilling a well. Depending on the required flow, the department may or may not ask for a pump test. This is not normally required at the ASP stage.

It may be noted in passing that 25 gallons a minute produces about 60,000 cubic metres a year, sufficient to supply 47 residences under Water Act rules.

15. Sewage treatment

The Alberta Private Sewer Systems Standard of Practice regulates the location and construction of self-contained sewage disposal systems.

All sewer systems will be constructed in compliance with the Alberta safety codes, and sites will be individually tested by a licensed plumber prior to construction of the sewer system.

In the event that any lot uses a pump-and-haul system for sewage disposal, that lot will be required to pay any off-site levy in effect at that time. The levy is due at the time of construction.

16. Storm water

Development with a lot of hard surfaces may increase the amount and intensity of runoff from snow melt and heavy rainfall, and this can damage downstream watercourses. Alberta Environment therefore requires that the rate of runoff be no higher than it was before development.

Section 7.1 of the County of Wetaskiwin's engineering design guidelines has a similar requirement. The intensity of runoff is normally reduced by running the flow through a detention pond.

In this case a storm water management plan will be required to the satisfaction of the County prior to any construction and access development.

17. Waste management

Solid waste from the new fire hall will be hauled to the County's transfer station on the west side of Highway 22, a distance of about 10 kilometres by road.

18. Fire protection

The County normally requires an ASP to address fire protection. This is redundant where the occupant will be the regional fire hall.

19. Zoning

The proposed site of approximately 5 acres will need redistricting approval from Agricultural to Institutional. The redistricting application may be applied concurrently with the Area Structure Plan or Subdivision application. The sequence of approval for such districting, however, must occur after approval of the ASP and before subdivision.

20. Public hearing

The ASP is for a public interest so the public consultation is deferred to the regular public hearing for the ASP. The public will be notified as per the requirement under the MGA. At the public hearing, the public will have the opportunity to present to Council their feedbacks and comments regarding the ASP.

21. Request for Approval

In accordance with a proposed purchase agreement, the landowner requests the County to adopt this area structure plan by bylaw. The next step will be an application for Institutional zoning on the property, and then an application for subdivision approval.

22. Expiry

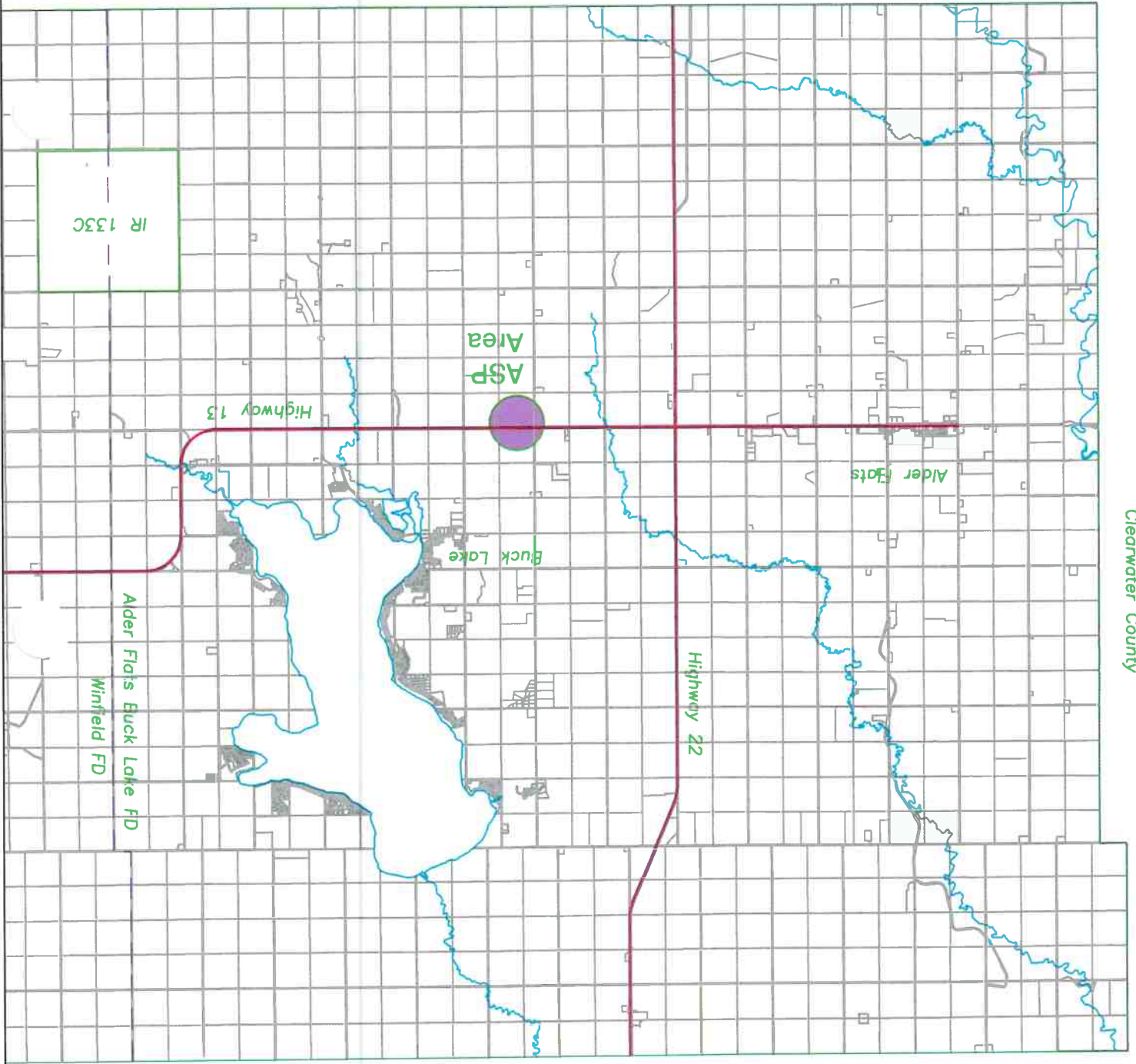
If not acted upon, this ASP expires two years after it is adopted by bylaw.

County of Wetaskiwin
Area Structure Plan
Part of NW 33-45-6-5
Map 1
Location

Clearwater County

Brazeau County

Clearwater County



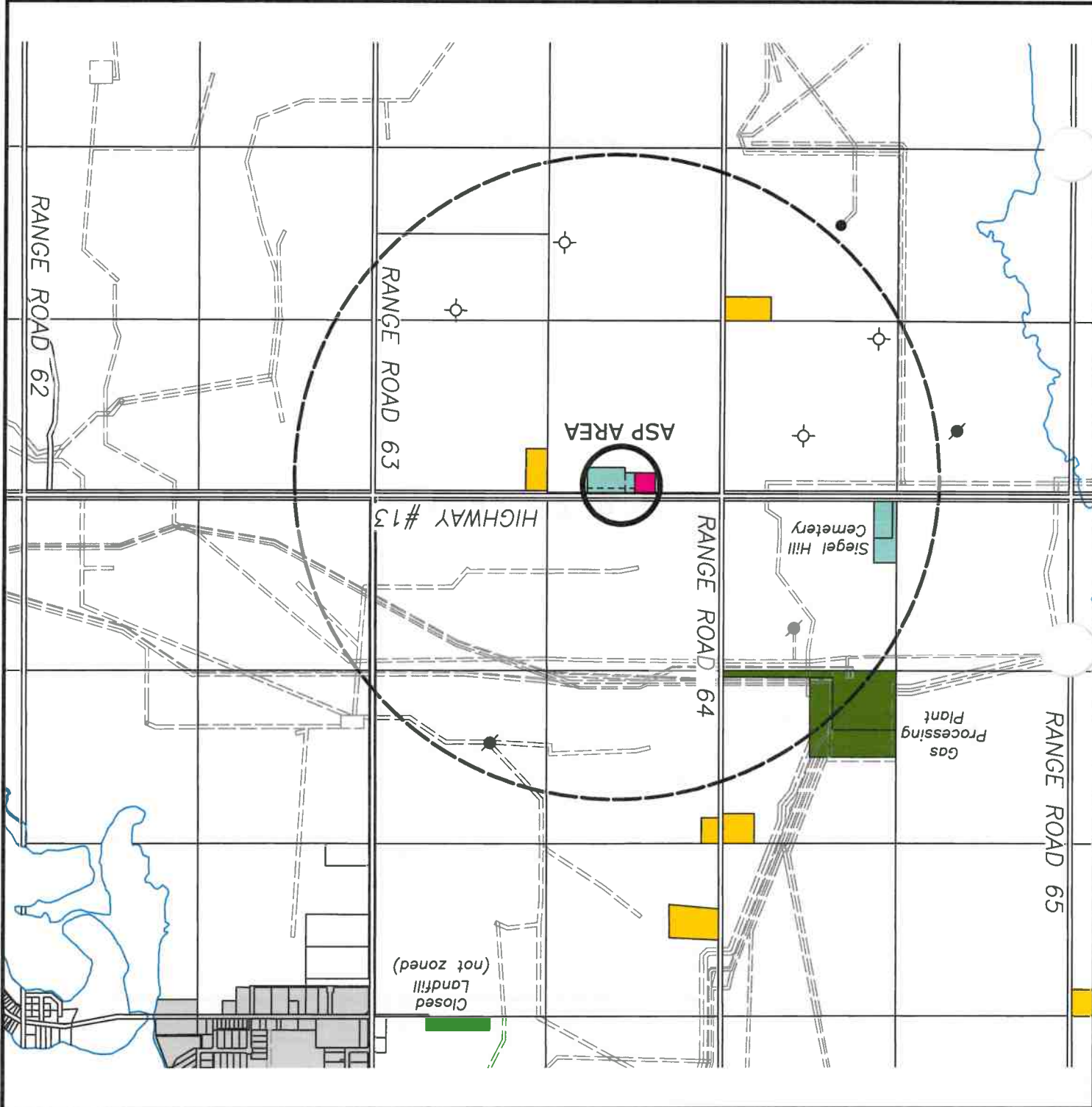
2 km



MAP 2
County of Wetaskiwin
Area Structure Plan
Part of NW 33-45-6-5
Neighbouring Land Uses

- Current Zoning
- CR and RR single parcel residential
 - Rural Commercial
 - Industrial
 - Institutional
 - Urban and lakeshore zoning
- All other land zoned Ag or Urban Fringe
- Oil and gas wells within 1500 metres:
- Suspended oil well
 - Abandoned well
 - Other

Oil & gas pipelines ==



MAP 3B
LAYOUT MAP
County of Wetaskiwin
Proposed Addition to
Buck Lake/Alder Flats
Fire Hall Site within the
NW 33-45-6-5



100m

RANGE ROAD 64

HIGHWAY #13

Remainder of
NW33 45-6-5

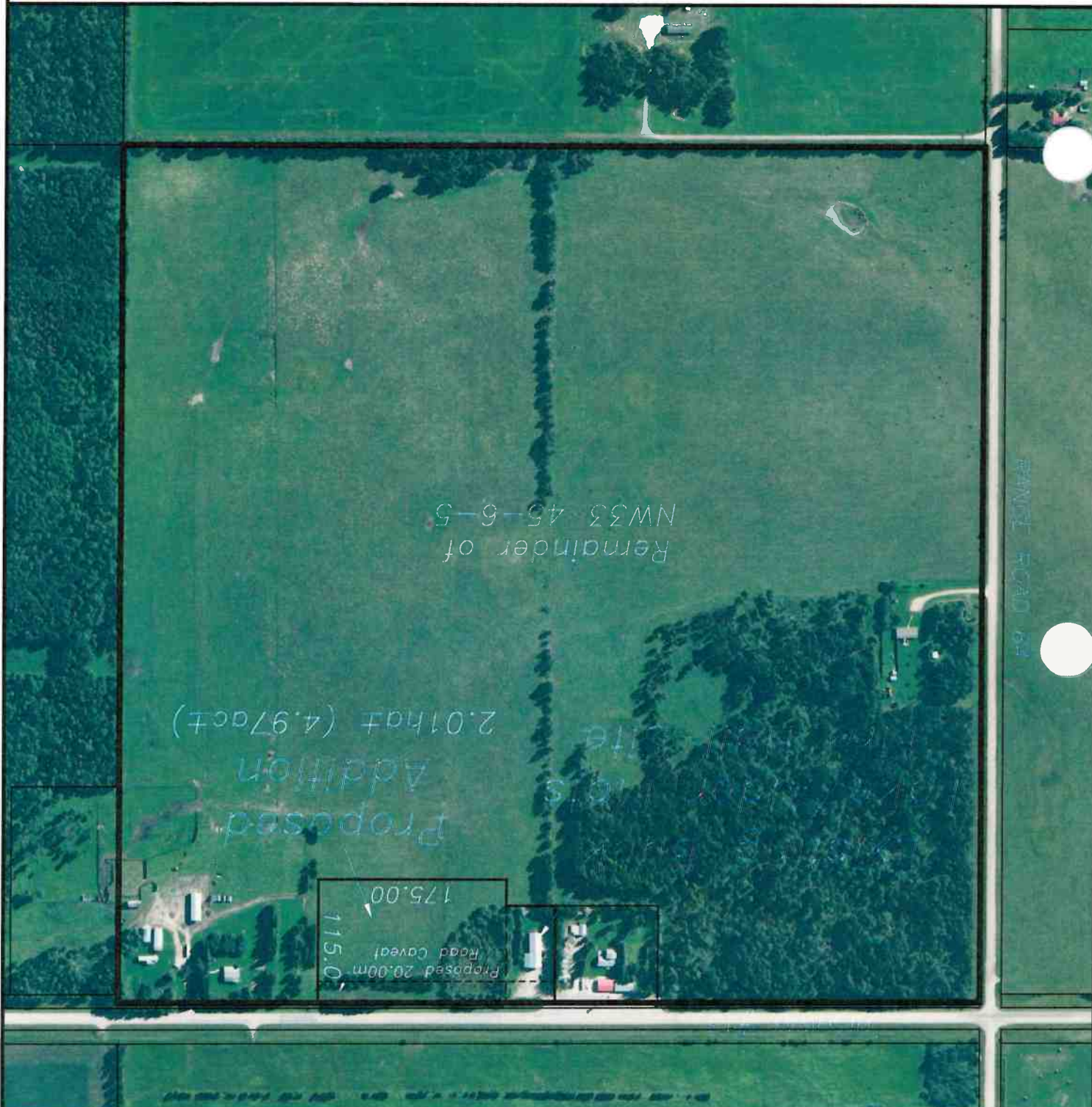
Existing Buck
Lake/Alder Flats
Fire Hall Site
Proposed
Addition
2.01ha± (4.97ac±)

Proposed 20.00m
Road Caveat
115.0
175.00

MAP 3B
LAYOUT MAP
County of Wetaskiwin
Proposed Addition to
Buck Lake/Alder Flats
Fire Hall Site within the
NW 33-45-6-5



100m



MAP 4B
ACCESS MAP
County of Wetaskiwin
Proposed Addition to
Buck Lake/Alder Flats
Fire Hall Site within the
NW 33-45-6-5



100m

RANGE ROAD 64

Remainder of
NW33 45-6-5

Existing Buck
Lake/Alder Flats
Fire Hall Site
Proposed
Addition
2.01ha± (4.97ac±)

175.00
115.0
Proposed 20.00m
Road Caveat

APPR.

APPROACH

HIGHWAY #13

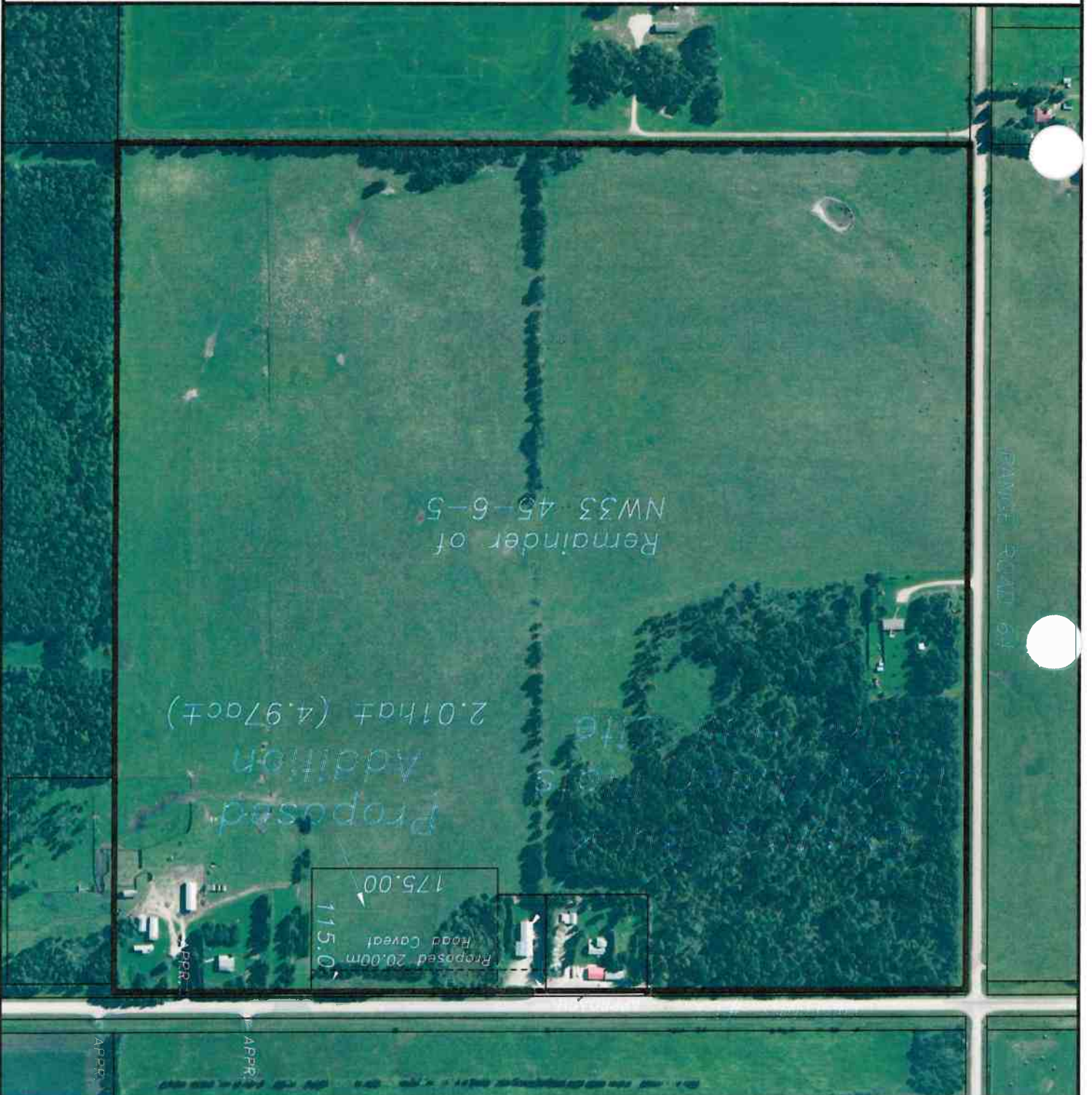
APPR.

APPR.

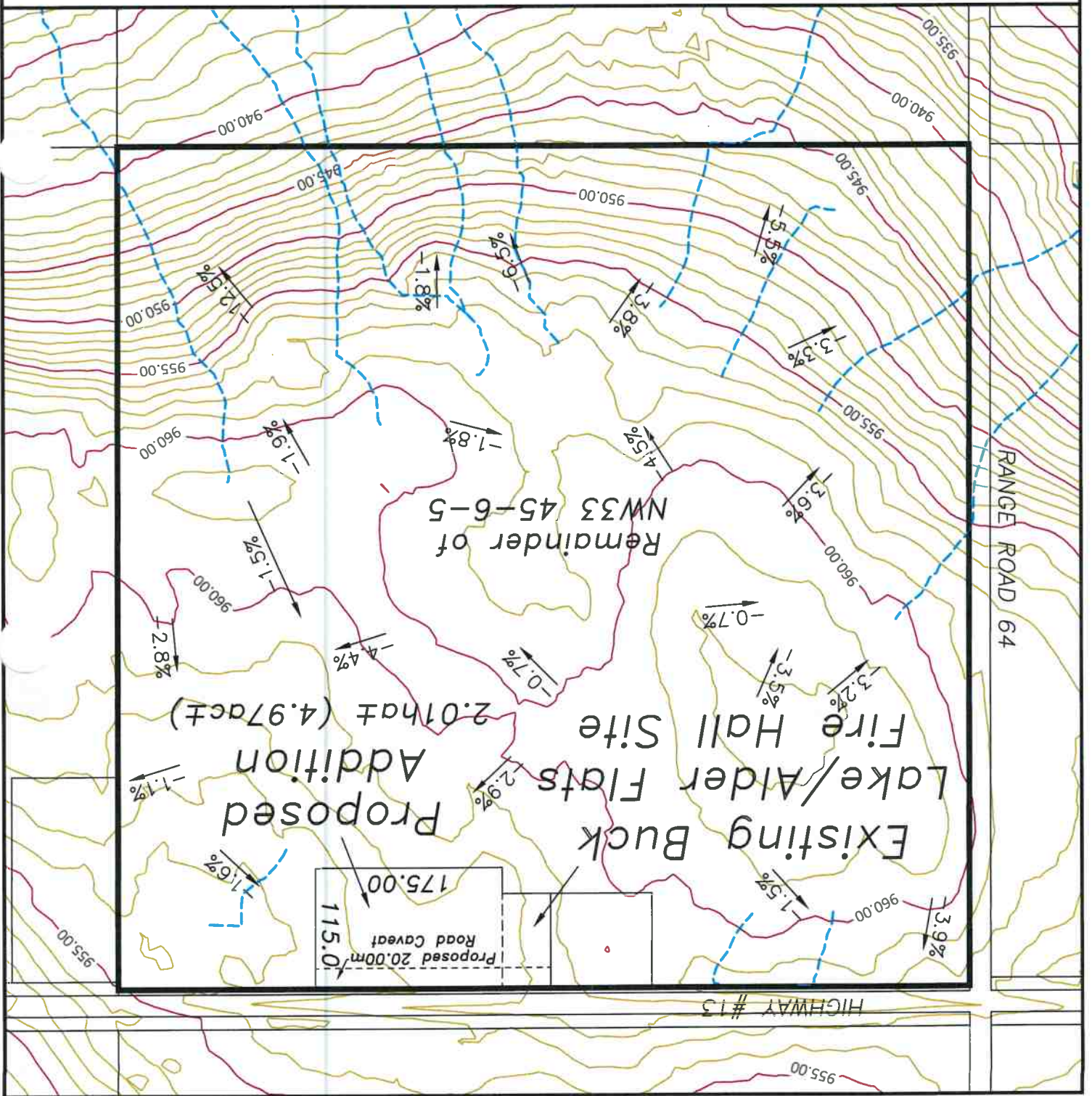
MAP 4B
ACCESS MAP
County of Wetaskiwin
Proposed Addition to
Buck Lake/Alder Flats
Fire Hall Site within the
NW 33-45-6-5



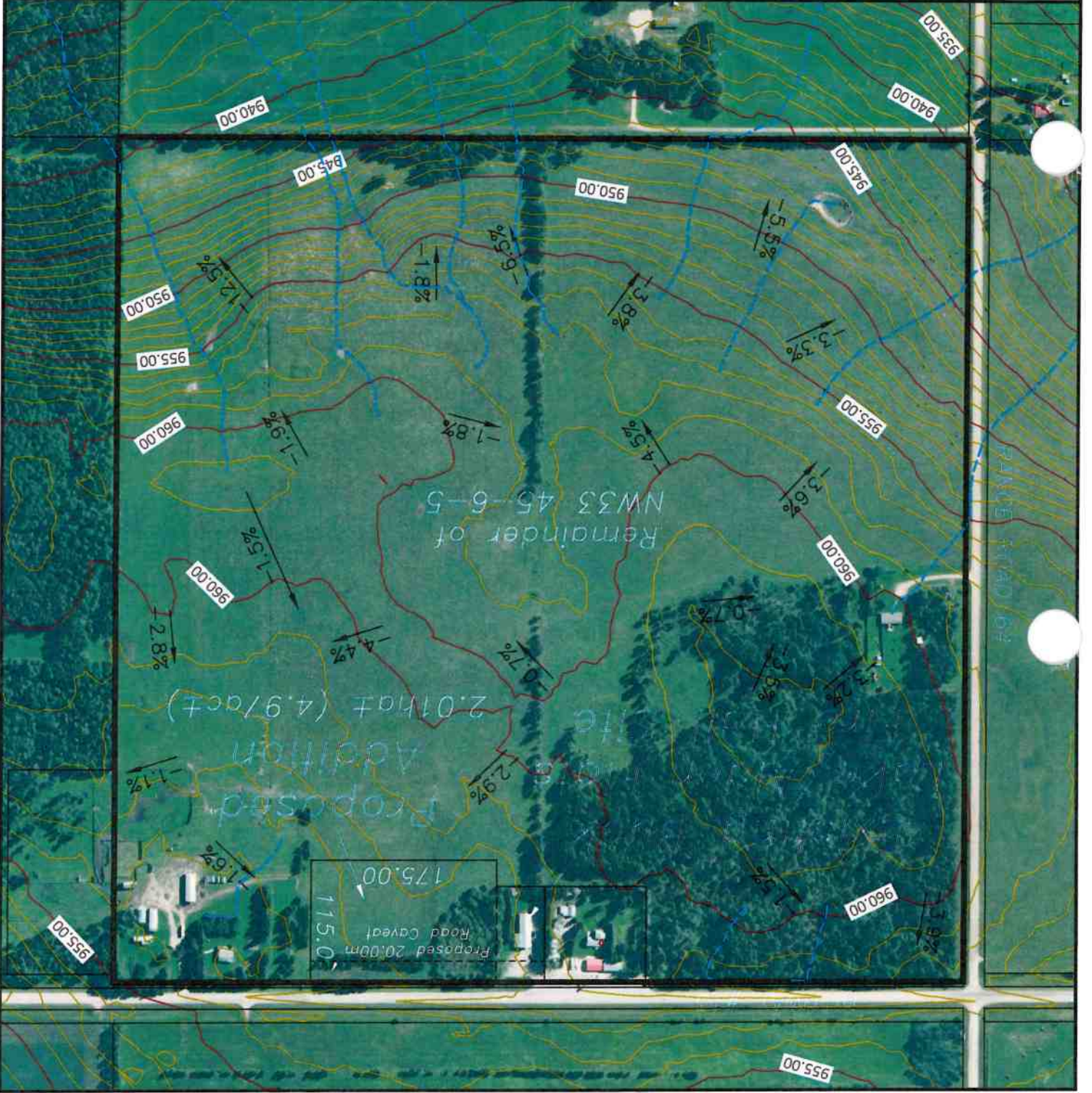
100m



100m



MAP 5B
TOPOGRAPHIC MAP
County of Wetaskiwin
Proposed Addition to
Buck Lake/Alder Flats
Fire Hall Site within the
NW 33-45-6-5



Appendix 1: Compliance with sections 633 and 638 of the MGA

In order to comply with section 633 of the MGA, it is necessary to confirm that this ASP

- describes the **land uses** proposed for the area, either generally or with respect to specific parts of the area:

This is done in Section 19.

- describes the **sequence of development** proposed for the area.

As a single lot subdivision, development will proceed in a single stage.

- describes the **density of population** proposed for the area:

No person will live on the site.

- describes the **general location of major transportation routes and public utilities:**

Road access is described in Section 11.

The only public utilities are power (from a line adjacent to Highway 13), natural gas (from and existing gas co-op line), and voice and data communications (from cable optic lines now on site)

Water and sewer service are described in Sections 14 and 15.

- is consistent with any **intermunicipal development plan:**

The land is not subject of an IDP.

- is consistent with any **municipal development plan:**

This is addressed in Section 3.